

REMARKS

1 In the Examiner's Office Action dated December 31, 2003, the Examiner objected
to the drawings under 37 C.F.R. 1.83(a). Specifically, the Examiner believes that the
embodiment of claims 6 and 7 with upper control arms above the forwardly extending
5 portions of the stabilizer bar, must be shown or the features canceled from the claims.
Even though applicants believe that the drawings are clear to a person of ordinary skill
in the art, claims 6 and 7 have been canceled in order to expedite this matter.

10 The Examiner rejected claims 1-3, 6 and 7 under 35 U.S.C. § 103(a) as being
unpatentable over Yarrow in view of Stuart. The Examiner concedes that Yarrow does
not disclose a stabilizer bar assembly. However, the Examiner believes that Stuart
teaches this limitation. Therefore, the Examiner argues that it would have been obvious
15 to one of ordinary skill in the art at the time the invention was made to modify the axle
assembly system of Yarrow, such that it comprised a stabilizer bar as taught in Stuart.
Applicants respectfully disagree with the Examiner's arguments.

20 Contrary to the Examiner's comments in the current Office Action, applicants
understand that the test for obviousness is what the combined teachings of the
references would have suggested to those of ordinary skill in the art. The applicants
also understand that the Examiner need not find a prior art reference that incorporates
all of the features of the claimed invention for the rejection to be comprehensive and to
provide motivation for combining references. Nevertheless, applicants maintain their
position that the Examiner has merely distilled the applicants' invention down to its jist
25 and has failed to consider the invention as a whole. See, W.L. Gore & Associates, Inc.

v. Garlock, Inc., 220 USPQ 303 (Fed. Cir. 1983). Applicants have amended
1 independent claim 1 to further clarify this position. Claim 1 recites a combination of
several different elements that make up the axle suspension system. These elements
comprise a forwardly and rearwardly positioned bracket, a stabilizer bar, and first and
5 second lower control arms. All of these elements have a specific function and
orientation which make the applicants' invention as a whole, patentable. Claim 1
specifically recites that the first and second mounting brackets extend downwardly from
the first and second frame members. These first and second mounting brackets have
10 the lower control arms and the stabilizer bar pivotably coupled thereto. The forward end
of the lower control arms are also pivotally coupled to a second mounting bracket which
extends downwardly from the first and second air springs, respectively.
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None of the Examiner's cited art teach or otherwise suggest this combination of
structure. Contrary to the Examiner's contention, Yarrow does not teach that the control
20 arms are pivotally secured to the bracket that is below the axle. The control arm in
Yarrow has a bolt 18 and 19 which secures the control arm to the bracket. Applicants
can find no teaching whatsoever that these couplings are pivotable. Furthermore,
Yarrow does not teach a first and second mounting bracket extending downwardly from
the first and second frame members. Yarrow teaches that the control arm is secured
directly to the frame without a bracket.
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As stated in the applicants' prior amendment, the Examiner's combination simply
would not work. Neither of the Examiner's references shows any structure that would
allow the stabilizer bar and the control arms to be vertically stacked on top of one
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1 another. Moreover, neither reference shows that both ends of the control arms in the
stabilizer bar are pivotably coupled to the mounting brackets. It is this combination of
structure which makes the applicants' invention unique. It is also this combination of
structure which allows the applicants' invention to properly function. Accordingly,
5 applicants maintain their position that independent claim 1 is allowable over the
Examiner's cited art.

Regarding dependent claims 2 and 3 of the applicants' invention, claims 2 and 3
further describe the resilient bushings of the present invention and the shape of the
stabilizer bar. Applicants assert that neither of the Examiner's prior art teach or
10 otherwise suggest this combination of structure. Furthermore, claims 2 and 3 ultimately
depend from independent claim 1, and as such applicants believe the same to be
allowable. With regard to dependent claims 4 and 5, the Examiner further relies on Paul
as teaching the specific shape and orientation of the stabilizer bar. Applicants disagree
15 with the Examiner's position as to claims 4 and 5. There is no suggestion in either of
the references that they may be combined in the manner suggested by the Examiner.
Furthermore, applicants believe that the Examiner's cited art fails to teach each of the
limitations as specifically recited in claims 4 and 5. Also, insofar as claims 4 and 5
ultimately depend from independent claim 1, the same are also thought to be allowable
20 for the same reasons set forth above.

In light of the above amendments and remarks, applicants assert that the claims
are in condition for allowance. Applicants respectfully request reconsideration and
allowance of the same.

1 No fees or extensions of time are believed to be due in connection with this
amendment; however, please consider this a request for any extension inadvertently
omitted, and charge any additional fees to Deposit Account No. 502093.

5 Respectfully submitted,

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15 CERTIFICATE OF MAILING

I hereby certify that the original of this AMENDMENT for DAVID S. VANDER
KOOI, ET AL., Serial No. 10/082,033, was mailed by first class mail, postage prepaid, to
Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria,
VA 22313-1450 on this 26 day of Feb, 2004.

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